| 1  | DANIEL G. BOGDEN<br>United States Attorney  |  |  |
|----|---|--|--|
| 2  | District of Nevada<br>BRANDON C. JAROCH   |  |  |
| 3  | Assistant United States Attorney 333 Las Vegas Boulevard South Suite 5000                     |  |  |
| 4  | Las Vegas, Nevada 89101<br>702-388-6336   |  |  |
| 5  |   |  |  |
| 6  | UNITED STATES DISTRICT COURT  |  |  |
| 7  | DISTRICT OF NEVADA  |  |  |
|    |   |  |  |
| 8  | UNITED STATES OF AMERICA,  ) Case No.: 2:15-mj-00742-PAL                                      |  |  |
| 9  | Plaintiff, ) Stipulation to Continue Preliminary Hearing ) Date (First Request)               |  |  |
| 10 | vs.   |  |  |
| 11 | MANUEL ANDRADE-ESQUIVEL, EMILIO BOGARIN, JR., and   |  |  |
| 12 | FRANCISCO JAVIER RIVERA-LOPEZ,  |  |  |
| 13 |   |  |  |
| 14 | Defendants.   |  |  |
|    | )   |  |  |
| 15 |   |  |  |
| 16 | IT IS HEREBY STIPULATED AND AGREED, by and between Daniel Bodgen,                             |  |  |
| 17 | United States Attorney, Brandon C. Jaroch, Assistant United States Attorney, counsel for the  |  |  |
| 18 | United States of America and Brian Pugh, AFPD, counsel for Manuel Andrade-Esquivel, Lance     |  |  |
| 19 | Hendron, Esq., counsel for Emilio Bogarin, Jr., and Osvaldo Fumo, Esq., counsel for Francisco |  |  |
| 20 | Rivera-Lopez:   |  |  |
| 21 | THAT THE PRELIMINARY HEARING CURRENTLY SCHEDULED FOR  |  |  |
| 22 | October 7, 2015, at 4:00 p.m. before U.S. Magistrate Peggy Leen be vacated and set to a time  |  |  |
| 23 | convenient for the Court, but no earlier than 30 days from the current setting.               |  |  |
| 24 | This stipulation is entered into for the following reasons:                                   |  |  |

| 1  | 1.  | The government will be providing defense counsel       | with limited Rule 16 Discovery.     |
|----|---|--|-------------------------------------|
| 2  |   | Counsel for the defendants requests an opportunity     | to review the discovery and discuss |
| 3  |   | matters with their clients prior to a preliminary hear | ring or an indictment.              |
| 4  | 2.  | Counsel for the defendants and counsel for the gove    | ernment agree to the continuance.   |
| 5  | 3.  | Mr. Andrade-Esquivel is not detained and Mr. Bog       | arin and Mr. Rivera-Lopez are       |
| 6  |   | detained and all agree to the continuance.             |                                     |
| 7  | 4. Denial of this request for continuance could result in a miscarriage of justice. |  |                                     |
| 8  | 5.  | The additional time requested by this Stipulation is   | excludable in computing the time    |
| 9  |   | from the filing of the criminal complaint through w    | hich the government must assert an  |
| 10 |   | criminal Information or seek an Indictment by the      | Grand Jury pursuant to the Speedy   |
| 11 |   | Trial Act, Title 18, United States Code Section 316    | 1(h)(7)(A), when considering the    |
| 12 |   | factors under Title 18, United States Code, Sections   | s 3161(h)(7)(B) and                 |
| 13 |   | 3161(h)(7)(B)(iv).                                     |                                     |
| 14 | 6.  | This is the first request for a continuance.           |                                     |
| 15 | Г   | Pated this 30th day of September, 2015.                |                                     |
| 16 |   | Respectfully Submitted,                                |                                     |
| 17 |   | DANIEL G. BOGDEN                                       |                                     |
| 18 |   | United States Attorney                                 |                                     |
| 19 |   | /s/ Brandon C. Jaroch                                  | /s/ Brian Pugh                      |
| 20 |   | BRANDON C. JAROCH, AUSA                                | BRIAN PUGH, AFPD                    |
| 21 |   |  | /s/ Lance Hendron                   |
| 22 |   |  | LANCE HENDRON, Esq.                 |
| 23 |   |  | /s/ Osvaldo Fuma                    |
| 24 |   |  | OSWALDO FUMA, Esq.                  |

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|----|--|--|--|--|
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| 8  | UNITED STATES OF AMERICA,  | ) Case No.: 2:15-mj-00742-PAL  |  |  |
| 9  | Plaintiff,   | <ul><li>) Stipulation to Continue Preliminary Hearing</li><li>) Date (First Request)</li></ul> |  |  |
| 10 | vs.  | ) Date (First Request)   |  |  |
| 11 | MANUEL ANDRADE-ESQUIVEL,<br>EMILIO BOGARIN, JR., and                                 | )<br>)<br>)  |  |  |
| 12 | FRANCISCO JAVIER RIVERA-LOPEZ,   | )<br>)   |  |  |
| 13 | Defendant.   | )<br>)   |  |  |
| 14 |  | )  |  |  |
| 15 | FIND   | INGS OF FACT   |  |  |
| 16 | Based on the pending Stipulation of counsel, and good cause appearing therefore, the |  |  |  |
| 17 | Court finds that:  |  |  |  |
| 18 | The period within which the govern   | nment may assert an Information or seek an   |  |  |
| 19 | Indictment through the Grand Jury  | against the defendant is hereby extended from the  |  |  |
| 20 | date of the filing of the complaint u  | p through and including November, 2015.  |  |  |
| 21 | 2. All parties agree to the continuance  | ·  |  |  |
| 22 | 3. Mr. Andrade-Esquivel is not detain  | ed and Mr. Bogarin and Mr. Rivera-Lopez are  |  |  |
| 23 | detained and all agree to the continu  | uance.   |  |  |
| 24 |  |  |  |  |

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| 1  | 4. The additional time requested by this Stipulation is excludable in computing the time       |
|----|--|
| 2  | within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United |
| 3  | States Code Section 3161(h)(7)(A), when considering the factors under Title 18, United States  |
| 4  | Code, Sections 3161(h)(7)(B) and 3161(h)(7)(B)(iv).  |
| 5  | 5. This is the first request to continue the preliminary hearing.                              |
| 6  | For all of the above-stated reasons, the end of justice would best be served by a              |
| 7  | continuance of the preliminary hearing.  |
| 8  | <u>ORDER</u>   |
| 9  | IT IS ORDERED that the preliminary hearing currently scheduled for October 7, 2015,            |
| 10 | at 4:00 p.m. be vacated and continued to November 9, 2015, at the hour of                      |
| 11 | 4:00 p .m.   |
| 12 | DATED this 1st day of October, 2015.   |
| 13 |  |
| 14 | UNITED STATES MAGISTRATE JUDGE   |
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